

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-091668

09/25/2013

HONORABLE EMMET RONAN

CLERK OF THE COURT
T. Galindo
Deputy

IN RE THE MARRIAGE OF
DENISE CHRISTINE UPTAIN

KARL T SCHOLES

AND

CHRISTOPHER UPTAIN

STEVEN M ELLSWORTH

JOHN CASALENA
1333 N HIGLEY RD UNIT 10
MESA AZ 85205

ORDER APPOINTING FAMILY LAW MASTER

1. APPOINTMENT OF FAMILY LAW MASTER

The Court has considered (sua sponte)(the motion for) the appointment of a Family Law Master. Because this case involves complex issues regarding (discovery)(evaluation of the business known as)(specify other financial issues), this Court concludes that exceptional conditions exist which require the appointment of a Family Law Master.

IT IS ORDERED, pursuant to Rule 72, A.R.F.L.P. appointing John Casalena as Family Law Master in this action with full authority to make findings of fact, recommendations and conclusions of law on any and all disputes between the parties concerning (discovery)(evaluation of the business known as)(specify other financial issues).

Although the Family Law Master is not appointed as an expert witness, the Court has considered the foundational guidelines contained in the Arizona Rules of Evidence, 702 to 706. The Family Law Master is appointed pending further order of this Court or written resignation

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submitted to the Court by the Family Law Master.

2. FAMILY LAW MASTER AUTHORITY

IT IS FURTHER ORDERED that, in addition to the authority to make findings of fact, recommendations and conclusions of law in the above matters, the Family Law Master is authorized to do the following:

- (a) The Family Law Master may interview and request the participation of any and all persons who the Family Law Master deems in the Family Law Master's sole discretion to have relevant information or to be useful participants.
- (b) The Family Law Master has and shall exercise the power to regulate all of the proceedings in every hearing before the Family Law Master and to do all acts and take all measures necessary or proper for the efficient performance of the Family Law Master's duties under this order.

The parties shall execute the appropriate releases in order for the Family Law Master to obtain relevant information, unless an appropriate motion for protective order is filed with the Court. The Master is authorized to interview the parties or other persons in any combination, if initiated by the Family Law Master. Any party may contact the Family Law Master in writing, provided that the information received by the Family Law Master is provided to the opposing party and counsel (if any) at the same time it is provided it to the Family Law Master.

The Family Law Master shall have the authority to communicate, in the Family Law Master's discretion, any and all information gathered during this term and any other information or opinions regarding the parties with any person whom the Family Law Master determines may require such information to further the fact-finding process, including the Court and the attorneys of either party at the sole discretion of the Family Law Master.

3. CONFIDENTIALITY

There is no confidentiality relating to the parties' communications to the Family Law Master or concerning the Family Law Master's activities, findings, conclusions and orders.

4. PROCEDURE

IT IS FURTHER ORDERED that the proceedings before the Family Law Master shall

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be conducted in accordance with the following procedures:

- (a) Either party, the Family Law Master or the Court may initiate proceedings before the Family Law Master. If initiated by the parties, it shall be initiated by motion. Both parties shall participate in any dispute resolution processes defined by the Family Law Master and shall cooperate with the rulings of the Family Law Master, subject to later judicial review.
- (b) The Family Law Master shall forthwith set a time and place for the first meeting of the parties or their attorneys to be held within 20 days after the Family Law Master's receipt of this order and shall be responsible for notifying the parties or their attorneys. Notice may be made by mail to the last known address supplied to the Court or, if circumstances demand, the Family Law Master may notify the parties orally and make a notation of the date and time of the notification. The Family Law Master shall proceed with all reasonable diligence. If a party fails to appear at a time and place appointed, the Family Law Master may proceed at that time or, in the Family Law Master's discretion, continue the meeting to a future day with notice to the absent party.
- (c) If either party fails to participate as requested by the Family Law Master, the Family Law Master may proceed to resolve the dispute, if necessary, without the participation of such party and may decide the dispute in favor of either the participating or non-participating party.
- (d) Notwithstanding the provisions of Rule 53(g), ARCP, the Family Law Master is not required to make a record of the proceedings. Any party, at its option and expense and upon reasonable notice and with the approval of the Family Law Master, may make a record of any evidence offered. The Family Law Master may, in the Family Law Master's discretion, tape-record or video-record or otherwise preserve any testimony presented to the Family Law Master. The expense of said record may be ordered to be paid by the parties.
- (e) The Family Law Master or the parties may procure the attendance of witnesses as provided in Rule 53(e).
- (f) The Family Law Master may request the Court, with notice to the parties, to issue subpoenas to require the appearance of any person within the jurisdiction of this Court and to require the production of any documents within the jurisdiction of

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this Court or under the control of either party or their agents.

- (g) The Family Law Master shall determine in each instance the appropriate conflict resolution process and shall implement the same.
- (h) The Family Law Master may require the production of documents or things upon all matters falling within the scope of this order and may rule upon the admissibility of evidence. The Family Law Master has the authority to place witnesses under oath, including the parties, and may examine them upon oath.
- (i) Additional rules applicable to the Family Law Master may be ordered by the Court from time to time.

5. REPORT OF THE FAMILY LAW MASTER

- (a) All findings of fact, recommendations and conclusions of law shall be filed in writing with the Clerk of the Court with a copy to the assigned division and each party and counsel, if represented. The findings of fact, conclusions of law and recommendations shall specify to what extent, if any, they were based on the agreement of the parties. Any report shall include a concise summary of the factual findings supporting it.
- (b) If transcripts, tape recordings of videotapes have been made of any portions of the proceedings, they shall be filed as part of the report.
- (c) The Family Law Master may, in the Family Law Master's sole discretion, submit a draft report to the parties or their counsel for the purpose of receiving their suggestions. The Family Law Master may, at the Family Law Master's sole discretion, require the parties or their counsel to submit proposed draft reports to the Family Law Master.

6. OBJECTIONS AND APPEARANCES

The parties shall have ten days after being served with notice of the filing of the report within which to file a written objection.

7. DISCLOSURE

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IT IS FURTHER ORDERED that both parties shall keep the Family Law Master and the Court advised in writing of their current addresses and telephone numbers.

8. FEES

IT IS FURTHER ORDERED that the parties shall pay the fees of the Family Law Master in advance.

IT IS FURTHER ORDERED that the Defendant shall be responsible for and pay 100 percent of the Family Law Master's fees, subject to reallocation at the time of Trial. All fees shall be paid in advance as determined by the Family Law Master. The Family Law Master shall keep accurate records of services rendered and fees paid by each party.

IT IS FURTHER ORDERED that should the Family Law Master find that any dispute is the result of one party's bad faith actions, the Family Law Master may recommend that the party acting in bad faith pay the other party's costs of services provided by the Family Law Master necessitated by the party acting in bad faith.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure on this the 4th day of January, 2008.

/ s / HONORABLE EMMET RONAN

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.